



House of Representatives

General Assembly

File No. 337

February Session, 2002

Substitute House Bill No. 5685

House of Representatives, April 4, 2002

The Committee on Public Health reported through REP. EBERLE of the 15th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT REQUIRING THE REPORTING OF THE USE OF PHYSICAL RESTRAINTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2002*) (a) Any facility licensed
2 by the Departments of Public Health, Mental Retardation or Mental
3 Health and Addiction Services shall report biannually to its licensing
4 department the following: (1) The number of times physical restraints
5 were used at the facility, and (2) the reason for the use of such
6 restraints.

7 (b) Said departments shall report all incidents where physical
8 restraints were used and such use was reported pursuant to subsection
9 (a) of this section to the Connecticut Legal Rights Project.

This act shall take effect as follows:

Section 1	<i>October 1, 2002</i>
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PH *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Fund-Type	Agency Affected	Current FY	FY 03 \$	FY 04 \$
GF - Cost	Dept Public Health	-	43,900	54,858
GF - Cost	Depts of Mental Retardation, Mental Health and Addiction Services		Minimal	Minimal

Municipal Impact: None

Explanation

This bill requires facilities licensed by the Departments of Mental Health and Addiction Services (DMHAS), Mental Retardation (DMR), and Public Health to report biannually to the departments on the number of times physical restraints were used and the reason for each such use. The departments must report all such instances to the Connecticut Legal Rights Project.

DMHAS and DMR currently require the documentation of the use of restraints. This bill would require the departments to collect the existing data and report this to the Connecticut Legal Rights Project, which will result in additional administrative costs to DMHAS and DMR. However, any such increased costs are expected to be minimal, and can be accommodated within anticipated budgetary resources.

The Department of Public Health (DPH) will incur an FY 03 cost of \$43,900 to implement this bill. This includes \$39,270 to reflect the three-quarter year salary of one Health Program Associate needed to monitor the receipt of reports from more than three hundred (300) health facilities, review reports for significantly high restraint utilization and when necessary investigate the same as well as

duplicate reports and mail to the Connecticut Legal Rights Project. Also included are other expenses and equipment costs of \$4,630. In FY 04 this expense will increase to \$54,858 to reflect the annualized salary of this position. (DPH expenses would be supplemented by fringe benefits costs of \$16,606 in FY 03 and \$22,142 in FY 04. These costs are budgeted under miscellaneous accounts administered by the Comptroller.)

It should be noted that nursing homes are currently not required to submit reports of restraints to DPH. Acute care hospitals compile this information but retain it internally for DPH review upon request.

OLR Bill Analysis

sHB 5685

**AN ACT REQUIRING THE REPORTING OF THE USE OF
PHYSICAL RESTRAINTS****SUMMARY:**

This bill requires certain state-licensed facilities to report twice a year to the state agency that licenses them on the number of times physical restraints were used there and why. It applies to facilities licensed by the Public Health, Mental Health and Addiction Services, and Mental Retardation departments but not to facilities they operate, unless one of the agencies licenses them. The bill requires the three agencies to report all incidents reported to them to the Connecticut Legal Rights Project.

The Connecticut Legal Rights Project provides legal advocacy for people in state mental health institutions.

EFFECTIVE DATE: October 1, 2002

BACKGROUND***Related Law***

By law, the use of physical restraints in state-operated and state-licensed facilities is strictly regulated. Facilities must annually compile information on their use of restraints and seclusion in emergencies, and the head of the agency that licenses or contracts with them must review these compilations before renewing their licenses or contracts

If a person in a facility covered by this law is injured by the use of restraints or seclusion, the facility must report it to the head of the agency that oversees it. The commissioner must report serious injuries or deaths to the Office of Protection and Advocacy for Persons with Disabilities and, if appropriate, to the Child Advocate's Office (CGS § 46a-152 and 153).

State Licensing

The Public Health Department licenses hospitals, nursing homes, and mental health and substance abuse facilities, except state-operated mental health or substance abuse facilities, which are exempt (CGS § 19a-490). The Department of Mental Retardation licenses private residential facilities for people with mental retardation and autism. (CGS § 17a-227).

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 24 Nay 0